



THE COURT *Legacy*

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Detroit's Trial of the Century: *Sapiro v. Ford, 1927*

By Victoria Saker Woeste

In 1924, Henry Ford's newspaper, the *Dearborn Independent*, turned its guns on Aaron Sapiro, a lawyer and prominent leader of the agricultural cooperative movement. A year-long series of articles accused Sapiro of conspiring with David Levy, Otto H. Kahn, and Mortimer Fleischhacker to gain control of agriculture throughout the nation. Sapiro counterattacked by filing a libel lawsuit against Ford in the U.S. District Court in Detroit. The suit claimed the articles were the product of Ford's anti-Semitic views and it exposed the automaker's ideas to broad public criticism for the first time.

Sapiro's libel lawsuit against Ford is one of those curious historical episodes that lives on the margins of human memory. Historians of twentieth-century America have generally treated the lawsuit as a colorful episode in the life of America's foremost industrial king.¹ For scholars of the history of American Jews, the case has stood as a moment of triumph over the forces of bigotry.² For the legal historian and those interested in the history of courts in Detroit, the case raises other interesting issues. The association of prominent Jewish bankers and lawyers with American farmers and agricultural policy furnished the larger background of Sapiro's lawsuit. The future of agriculture itself seemed to be at stake in the turbulent post-World War I period, and people such as Bernard Baruch, head of the War Industries Board; Eugene Meyer, head of the War Finance Corporation; and Saul Rubinow, president of Sears, Roebuck, had little in common with agricultural traditionalists such as Ford.

The Lawyers

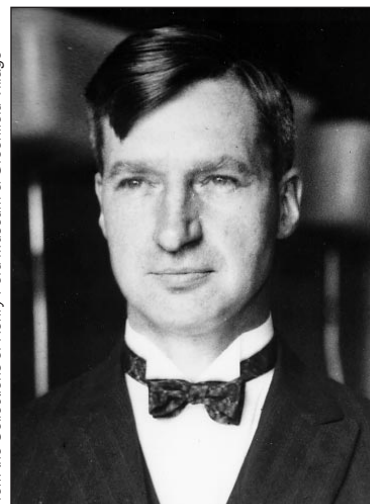
The lawyers played starring roles in the case. Ford hired a sitting U.S. Senator (and Democratic presidential hopeful) James A. Reed to serve as his chief counsel for a fee of \$100,000. Reed was famed as an orator in the Senate and as a skilled cross-examiner. In addition, Ford Motor Company



Photo Source: Library of Congress

James A. Reed

corporate counsel, including Stewart Hanley, and his personal lawyer, Clifford Longley, joined the defense team. According to his bodyguard, Harry Bennett, "Mr. Ford expected that Sapiro would be represented by a 'Jew lawyer' from New York, and thought this would reflect to his own advantage with the jury. However, Sapiro walked into court represented by attorney William Henry Gallagher, an Irish Catholic. Mr. Ford considered Gallagher



From the Collections of Henry Ford Museum & Greenfield Village

William Henry Gallagher

a 'Christian front' for Sapiro, and after that always spoke of the Catholics as 'tools of the Jews.'"³ Gallagher was already famous as a Detroit trial attorney, having won record damage awards for several plaintiffs during the 1920s.³

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THE COURT LEGACY

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The Suit

The suit alleged that Ford libeled Sapiro when his newspaper published articles that charged Sapiro with, among other things, using his influence to transfer control over the finances and organization of American farming to “international speculators” and “communists.” The series, which began in April, 1924, spun out the theory that Sapiro stood at the head of a so-called “Gentile front” whose aim was to enslave American farmers. Behind the “front” lurked far-away speculators and political radicals in Europe and Russia, who posed an obvious threat to American democracy and political institutions. Sapiro promised farmers that cooperative marketing would be their salvation; instead, according to the *Dearborn Independent*, cooperative marketing was a subterfuge, designed to cheat farmers out of the profits from their labors and to defraud American consumers by increasing the prices they paid for food. In the end, according to this theory, the wealth that agriculture generated would line the pockets of European financial speculators.⁴

The problem then facing the Ford lawyers was proof of the theory. Investigators, at the direction of Fred L. Black, the business manager for the newspaper, spent eighteen months and, reportedly, \$1 million in a fruitless search for evidence linking Sapiro and his organization to

communist organizations in the Pacific northwest. Mr. Black told the Ford lawyers that he was certain he could prove what had been published, and that it was just a matter of time before he would obtain the needed information. However, he failed to do so. Having gained nothing from the investigation and pre-trial discovery to support this theory, at trial, Ford’s lawyers would only be able to assert that they were solely concerned with Sapiro’s legal practices as counsel to the agricultural cooperatives he organized. This strategy made a weak case even weaker.



Fred L. Black

From the Collections of Henry Ford Museum & Greenfield Village

Contemporary newspapers compared the Sapiro-Ford trial to the Scopes trial, on the teaching of evolution in the public schools, in terms of its significance and its ability to rivet the nation's attention. Ford was by any measure an American hero of mythic proportions. His mass-produced automobiles transformed the nation. To many, he epitomized the American dream of self-made success. After Sapiro filed his lawsuit, Ford put as much distance between himself and the tawdry mess as he could, giving all appearances of being above the distasteful fray and having nothing to do with the content of his own newspaper. At the same time, however, his lawyers were astutely using the discovery process and the litigation to shift the issues of the case away from Ford's anti-Semitism, which they could not deny, to the plaintiff's own conduct, which they planned to impeach. If contemporary editorials and news reports are any indication, many people saw right through this strategy. Industrial hero though he may have been, Ford was about to discover that he could "stir up race and religion" only so much before public opprobrium forced him to back down.⁵

The trial landed in Detroit by virtue of Sapiro's deliberate strategy. As he later wrote, he chose the federal district court in Detroit as his forum because he hoped to get Ford to admit fault on the stand: "I was interested in getting Mr. Ford on the stand and in pulling from his own lips either a public admission that he was all wrong, or to show from him under oath that there were no basic bits of evidence anywhere to justify these attacks on the Jews. So I went into his home town, where his strength is supposed to be greatest; and I brought the suit in U.S. District Court in Detroit and there served Mr. Ford." Perhaps Sapiro had reason to believe that Ford would be vulnerable in his own backyard, or perhaps he hoped to take advantage of the naturally intense media scrutiny the Detroit newspapers would provide. Whatever the reason, Sapiro's choice of forum and location heightened the drama of the litigation and the prolonged discovery process that preceded it.⁶

The Trial

When the trial began on March 15, 1927, Ford's attorneys were confident. They believed they could exclude all issues from the trial except the one they were most comfortable litigating: Sapiro's legal malfeasance. The other issues – Ford's anti-Semitism, the economic feasibility of cooperative marketing, the burden of proving the truth of the *Dearborn Independent's* allegations – all these they planned to ignore. In his opening statement Reed grandly proclaimed, "It is no libel to say truthfully of a man who is a Jew that he is a Jew." No anti-Semitic implications should be read into anything the *Dearborn Independent* reported, he continued: "[T]his is the same kind of case as it would be if Mr. Sapiro happened to belong to some other race than the Jewish race, and I am casting no reflections upon him because he belongs to that race." Throughout the trial Reed deflected Gallagher's attempts to link the *Dearborn Independent's* statements with the problem of anti-Semitism and insisted that Sapiro, in complaining of the articles' content, took "mere sentences or paragraphs" out of context.⁷



From the Collections of Henry Ford Museum & Greenfield Village

Marshals holding back the crowd trying to enter the courtroom.

When his turn came, Gallagher pounced immediately. Ford had the right to attack people, Gallagher said in his opening statement, even Jewish people; "but just as soon as an attack against a race is centered upon an individual of that race, just as soon as an individual is singled out and made the butt of the attack, then that individual has the right to come into court and ask for a determination of the justice of that attack made upon him as one of this group of individuals."

COURT HISTORICAL SITES

The following internet sites will be of interest in locating court historical documents or information. We intend to include new and interesting sites on a regular basis. If you are aware of other historical sites you think would be of interest to our subscribers, please let us know by contacting the Website Committee at (313) 234-5049.

1. United States Supreme Court Historical Society
www.supremecourthistory.org

Contains a list of significant oral arguments, articles published in its journal, a list of events, a gift catalogue, schedule of C-SPAN broadcasts and audio versions of past lectures.

2. 6th Circuit

www.ca6.uscourts.gov

Contains regular court information. However, historical information on all former circuit and district court (within circuit) judges will be added soon.

3. Western District of Michigan

www.miwd.uscourts.gov

At homepage click on "court info" under the "General Information" listing. Site includes limited information related to court history and a link to a portrait of the first district judge, Solomon Withey.

4. Federal Judicial Center

www.fjc.gov

Will contain, by November, 1999 information on federal court history including biographical data, architectural data, photos and other related topics.

5. Michigan Supreme Court Historical Society

www.micourthistory.org

Contains historical and current biographies and portraits, transcripts of special sessions of the court and other related information.

6. Documents in American Legal History

<http://vi.uh.edu/pages/alh.html>

This site is maintained by Robert Palmer and includes annotated and footnoted text versions of the British Constitution, the Declaration of Independence, the U.S. Constitution, the Ratification Debates, the Pennsylvania and Virginia Constitutions of 1776, the Bill of Rights and proposed amendments, a discussion of the First Amendment, and various landmark U.S. Supreme Court decisions. It is a very interesting site to peruse.

The attack against Sapiro was, Gallagher argued, profoundly and thoroughly anti-Semitic: "There isn't any doubt that he is a dominating figure in American agriculture. But, they make the statement one of libelous character by adding . . . the claim that he dominates American agriculture not for his own selfish purposes, not in the interests of the farmers, but merely as the instrument and tool of this international body of Jews who have taken him as the instrument of bringing the American farmer under subjection and control." The newspaper smeared Sapiro with guilt by association, charging that "he allied himself, and this body of Jews allied themselves, with Reds and Communists and Bolsheviks [and] worked hand-in-hand together with the object and purpose of bringing about in this country the same situation that exists in Russia." There was no more explosive political calumny during the isolationist, Russia-phobic 1920s than to be called a Communist, unless it was to be called a Communist solely by virtue of being Jewish.⁸

The Editor



From the Collections of Henry Ford Museum & Greenfield Village

William J. Cameron

Gallagher began his case-in-chief by calling to the stand the editor of the *Dearborn Independent*, William J. Cameron. Gallagher intended to use Cameron to prove that Ford had regular, daily contact with the newspaper and that nothing went into the newspaper

without his approval. Cameron contended unconvincingly that he, and only he, was responsible for every word written in the newspaper. He asserted that Ford had nothing to do even with the writing of the weekly column entitled, "Mr. Ford's Page." Cameron declared that it was his view, not Ford's, that an international banking ring comprised of Jews was out to gain control of American agriculture, that he had received letters calling attention to the existence of this ring for several years prior to publishing the articles,

and that he discussed the articles only with subordinates at the newspaper and the reporter, Harry H. Dunn.⁹ Gallagher told the jury not to believe any of it. The *Dearborn Independent*, he said, “is merely a means of expression for Henry Ford. It conveys his message and thoughts, and so he, standing behind it, controlling its policies, giving his thoughts to it, is himself personally responsible for the thoughts that this Independent spreads throughout the country respecting people and respecting matters.”¹⁰

The Plaintiff



Mr. & Mrs. Sapiro
leaving the courthouse

The plaintiff took the stand on March 28, two weeks into the trial. After leading him through an account of his early life and his career as a lawyer, Gallagher got to the heart of the case: Sapiro’s work in the cooperative movement with farmers across

the country. At one point in this recitation, Reed complained to the court that the witness was answering the questions so quickly that he had no time to object, and asked the witness to answer “more deliberately.” Needling his opponent, Gallagher quickly called for “either more deliberation or more speed on the Senator[’s part].” Direct examination of the plaintiff concluded with a description of the various cooperative organizations formed by Sapiro, his law partners, and his associates in the wheat, fruit, dairy, corn, tobacco, cotton, hay, and grain industries of the U.S. and Canada. Sapiro told of his success in getting a preponderance of growers in these industries to sign up with the marketing cooperatives, and he acknowledged the problems cooperatives encountered despite the host of state laws legitimizing their marketing activities.¹¹

The Judge

The judge presiding at the trial, U.S. District Judge Fred M. Raymond, seemed intent on preventing any significant damage to Ford. He was the fourth judge assigned to the case by the time it came to trial. At the outset, the chief judge of the Eastern District bench, Judge Arthur J. Tuttle, assigned the case to himself. For over a year he granted defense motions for continuances while discovery proceeded, but in August, 1926, he finally lost patience. He told both sides that trial would commence in September and that no more continuances would be granted. Ford’s lawyers then filed a motion alleging bias on the part of the judge against their client. Rather than fight this motion, Tuttle recused himself. Visiting judges from Ohio took turns baby-sitting the case until early 1927, when Raymond, who was appointed to the district court in Grand Rapids by President Coolidge in 1925, finally was assigned to the case.¹²

During the trial, Judge Raymond routinely sustained Reed’s objections when Gallagher tried to elicit testimony on Ford’s involvement, and he agreed with the defense that much of the evidence Gallagher sought to introduce to prove damage to Sapiro was irrelevant. Sapiro later expressed his frustration with what he saw as the judge’s partiality: “They let Senator Reed get in all of that sort of stuff [alleging that Sapiro was responsible when a cooperative employee took bribes] to the jury without interruption from the Judge;

WANTED

In the interest of preserving the valuable history of our most beloved court, the Historical Society is seeking to contact relatives, descendants, associates, or any others who might be able to assist the Society’s Acquisitions Committee. The Society is endeavoring to acquire artifacts, memorabilia, photographs, literature or any other materials related to the history of the Court and its members. If any of our members, or others, have anything they would care to share with us, please contact the Acquisitions Committee at (313) 234-5049.

but, as for us, we couldn't even bring in a legitimate war record to offset the charge that I was trying to subvert the US government with the aid of the International Workers of the World." Sapiro was also upset about the jury and impanelling. The jury "consisted of six men and six women, a good plain jury." However, one of the temporary jurors, upon questioning, admitted that he was a former Ku Klux Klanner. The judge would not excuse the juror for cause and Sapiro had to use a peremptory challenge.¹³



Women on the jury during recess.

The Cross-Examination

Reed's cross-examination began with all the tension and suspense of a great drama and quickly fizzled away into a tedious litany of detail that shed no light whatsoever on the issues that so gripped the public's attention. Consistently adhering to the defense's strategy of avoiding the accusation of anti-Semitism, Reed had no intention of permitting Sapiro to establish any link between the newspaper and its purportedly nominal owner, Henry Ford. Reed focused his inquiry on the details of Sapiro's legal representation of his clients, the fees he received, and the details of his attorney-client relationships. This made for poor legal theater, as the newspapers complained, but the hordes who filled the courtroom every day did so in hope of some spectacular breakthrough by either side.¹⁴

Sapiro was on the stand for four weeks, most of it spent batting away Reed's attempts to trip him up on the dates of meetings, agreements, services performed, and other details of his law practice in cooperative marketing. Reed's command of the facts could not compare to Sapiro's own.

Reed had difficulty remembering details of Sapiro's testimony, often confusing what Sapiro said with what Reed wished to elicit. The trial's most entertaining moments occurred when the two butted heads in obvious annoyance with each other. At one point well into the trial, Reed tried to get Sapiro to admit that he had personally controlled the election of the officers of the Kentucky Burley Tobacco Growers' Association. "That is not so," Sapiro rejoined. Reed turned in supplication to the court: "Now, if your Honor please, this witness can be more polite than that in his answers." Gallagher moved to strike Reed's remark, and the judge agreed. Later, when Reed attempted to link Bernard Baruch to a conspiracy to control the tobacco growers, Sapiro again answered defiantly: "That is absolutely not so." Reed again complained: "The answer, I insist, is not only impolite, but is insulting and wholly uncalled for." The judge let the exchange stay on the record. Sapiro and Gallagher monitored Reed's nerves by observing how many times he missed the cuspidor and sprayed the female members of the jury.¹⁵

The defense made its worst mistake of the trial when Reed decided to enter into evidence part of a speech Sapiro delivered to Kentucky tobacco growers in 1923. To the surprise of the court, a juror rose and asked for the entire speech to "be read in full." Gallagher insisted the full speech be read, in order to prevent parts from being taken out of context, and the judge agreed. Reluctantly, Stewart Hanley, one of the Ford lawyers, rose and delivered the speech in its entirety. It took three hours. Sapiro later exulted that once that speech was read, there wasn't a single juror who did not believe in the efficacy of cooperative marketing: "Before [Hanley] could realize it, he had unwittingly gotten into the swing of it and he was delivering that speech to the jury far more effectively than I could ever have done it."¹⁶

The Recess

By mid-April, Reed was worn out. Judge Raymond granted a recess on Thursday, April 14, but by the following Monday Reed was confined to bed, reportedly suffering from exhaustion. Petrified at the notion of taking the stand, Ford had reportedly been involved in an automobile accident, the injuries from which had required his hospitalization.

In the interim, Ford's lawyers secured fourteen affidavits alleging that one of the jurors had met with an acquaintance of the plaintiff and accepted the gift of a box of candy. They asked the judge to grant a mistrial on the grounds of jury tampering. At the same time, Gallagher implored the court to instruct the defense to keep employees of the Ford private security force, which had been "very greatly represented in the court room, and the corridors of this building," away from the proceedings. As the lawyers sparred, events outside the courtroom forced the issue. The juror who had been the target of the Ford mistrial request gave an interview to the *Detroit Times*, which was published during the recess. When that interview hit the newsstands Judge Raymond declared a mistrial, despite Sapiro's express willingness to proceed with only eleven jurors.¹⁷

The End

The affair ended with a whimper. Before a new trial date could be set, Ford personally sent word through intermediaries that he wished to settle the lawsuit out of court. For some reason, he declined to communicate through his own attorneys. After learning of the July settlement from the newspapers in Houston, Texas, Senator Reed shot an angry letter to his colleagues on the defense team: "In view of the miserable outcome of the case, I would like to get the matter [of my fee] settled, and off my mind, and as far behind me as possible. I hardly need say to you that if I had dreamed before entering the case of any such denouement I would not have gone into it for any kind of a fee."¹⁸

Although the judge had granted the defense's request for a late summer date for the new trial, and Reed seemed to believe the defense could still win, the tide of public opinion had decidedly turned against Ford. The automaker himself seemed to realize it. His own family and close friends, including his son Edsel, had distanced themselves from newspaper articles, and a Jewish boycott of Ford autos had significantly affected sales. The combination of these factors led Ford to accept without debate Sapiro's terms for settlement. According to Sapiro, these terms included: "Retraction and apology to the whole Jewish

people; retraction of the charges against cooperative marketing; retraction of the personal insinuations; payment to my attorneys of a decent fee; payment of my legitimate court costs."¹⁹ The apology Ford signed enabled him to maintain that he was unaware of the content of the articles: "Had I appreciated the general nature, to say nothing of the details, of these utterances, I would have forbidden their circulation without a moment's hesitation."²⁰

Gallagher, whose \$50,000 fee Ford paid as part of the settlement, proclaimed victory: "It is a matter of general gratification that the suit comes to this amicable end . . . I felt that when the testimony was heard Mr. Ford would see the light and withdraw from the position in which he had been placed. When he did so it was a victory not merely for Mr. Sapiro but for the cause of racial tolerance and good-will among peoples." The *New York Times* accepted Ford's apology and retraction as a "specific withdrawal and repudiation by Mr. Ford of the charges printed by the *Dearborn Independent*," and praised Aaron Sapiro for his courage in fighting such "a powerful adversary."²¹ The outcome furnished a decided anti-climax to the legal process of the trial, broke no new legal ground, and enabled Ford to avoid defending his views in public. By settling out of court with an apology and retraction, however, Ford gave Jewish Americans the first published statement of regret over anti-Semitism during an era when prejudice against Jews showed no signs of abating.

Ms. Woeste is a research fellow at the American Bar Foundation in Chicago. She is the author of *The Farmer's Benevolent Trust: Law and Agricultural Cooperation in Industrial America, 1885-1945* (1998), and is currently working on a book about the Sapiro-Ford lawsuit. For their help with the research relating to this article, she thanks Linda Skolarus and the staff at Henry Ford Museum and Greenfield Village, Steven Freund, and especially Betsy Mendelson.

Notes:

1. See, for example, Michael Parrish, *Anxious Decades: America in Prosperity and Depression, 1920-1941* (New York: W.W. Norton, 1992).
2. For examples, see Jacob Rader Marcus, *The American Jew, 1585-1990: A History* (Brooklyn, NY: Carlson Publishing, 1995); Albert Lee, *Henry Ford and the Jews* (New York: Stein and Day, 1980), 148; Ford R. Bryan, *Henry's Lieutenants* (Detroit: Wayne State University Press, 1993); David L. Lewis, *The Public Image of Henry Ford: An American Folk Hero and His Company* (Detroit: Wayne State University Press, 1976), 135-59; Reynold M. Wik, *Henry Ford and Grass-roots America* (Ann Arbor: University of Michigan Press, 1973), 126-41.
3. Harry Bennett, *We Never Called Him Henry, as told to Paul Marcus* (New York: Gold Medal Books (Fawcett Publications, Inc.), 1951), 49; Scrapbook, Gallagher Papers.
4. "Jewish Exploitation of Farmers' Organizations," *Dearborn Independent*, April 24, 1924, quoted in Sapiro v. Ford trial transcript, vol. 1, p. 48, Box 43, Accession 48, Ford Museum.
5. "The Sapiro-Ford Trial," *Denver News*, March 15, 1927, Scrapbook, William Henry Gallagher Papers, private collection of Gallagher Family, Battle Creek, Michigan (made available to author by Mrs. Patricia Gallagher).
6. Aaron Sapiro "An Experience with American Justice," *Free Synagogue Pulpit*, 8:5 (1927-28), 11-12, in Clifford B. Longley Papers, Box 1, Accession 740, Ford Museum.
7. Opening statement of Senator James A. Reed, Sapiro v. Ford, trial transcript vol. 1, p. 155, Box 43, Accession 48, Ford Museum.
8. Trial Transcript, vol. 1, pp. 12-13, 15, 28.
9. Trial Transcript, vol. 1, pp. 338-44, 378-91, 489-90.
10. Trial Transcript, vol. 1, p. 15.
11. Trial Transcript, vol. 2, pp. 1144-1281 (direct examination of Sapiro), 1166-67 (testy exchange).
12. Sapiro, *An Experience with American Justice*, 15. See also Docket Entries, Sapiro v. Ford, Case No. 7522, p. 33, Record Group 21, Records of the U.S. District Courts, Eastern District of Michigan (Detroit), General Records, 1837-1955, General Dockets, 1846-1943, Volume U, National Archives, Great Lakes Regional Branch.
13. Sapiro, *An Experience with American Justice*, 20.
14. Trial Transcript, vol. 2, pp. 1282-1624; vol. 3, pp. 1625-3035.
15. Trial Transcript, vol. 3, pp. 2934-35, 2939, 3030-31; Sapiro, *An Experience with American Justice*, 25.
16. Trial Transcript, vol. 3, pp. 2786, 2792-2928; Sapiro, *An Experience with American Justice*, 27-28.
17. Trial Transcript, pp. 3038, 3041-44, 3090-97; *Detroit Times*, April 18, 1927, reprinted in *Detroit Times*, April 22, 1927, p. 2.
18. James Reed to Clifford Longley, September 27, 1927, Sapiro Trial, Correspondence, 1927, Box 1, Accession 1740, Clifford B. Longley Papers, Ford Museum.
19. Sapiro, *An Experience with American Justice*, 35; Morton Rosenstock, Louis Marshall: *Defender of Jewish Rights* (Detroit: Wayne State University Press, 1965), 187-89.

20. Reprinted in Rosenstock, Louis Marshall, 191.

21. Ford and Sapiro Settle Libel Suit, *New York Times*, July 18, 1927, p. 1, 15; *Topics of the Times*, *New York Times*, July 18, 1927, p. 16. ■

Ford's Apology: An Epilogue

The *Detroit News*, on July 9, 1999 in its "Michigan at the Millennium" series, reprinted a portion of the Henry Ford apology that appeared on its front page on July 8, 1927. As mentioned in Ms. Woeste's article, the *New York Times* did not report the apology until ten days later, however.

In the apology repudiating the articles in the *Dearborn Independent*, Mr. Ford wrote:

In the multitude of my activities it has been impossible for me to devote personal attention to their management or to keep informed as to their contents. It has therefore inevitably followed that the conduct and policies of these publications had to be delegated to men whom I placed in charge of them and upon whom I relied implicitly.

To my great regret I have learned that Jews generally, and particularly those of this country, not only resent these publications as promoting anti-Semitism, but regard me as their enemy. . . .

* * *

[I have directed] my personal attention to this subject, in order to ascertain the exact nature of these articles. As a result of this survey I confess that I am deeply mortified that this journal which is intended to be constructive and not destructive, has been made the medium for resurrecting exploded fiction, for giving currency to the so-called Protocols of the Wise Men of Zion, which have been demonstrated, as I learn, to be gross forgeries, and for contending that the Jews have been engaged in a conspiracy to control the capital and the industries of the world, besides laying at their door many offenses against decency, public order and good morals.

Had I appreciated even the general nature, to say nothing of the details of these utterances, I would have forbidden their circulation without a moment's hesitation, because I am fully aware of the virtues of the Jewish people as a whole, of what they and their ancestors have done for civilization and for mankind toward the development of commerce and industry, of their sobriety and diligence, their benevolence and their unselfish interest in the public welfare.

Of course there are black sheep in every flock, as there are among men of all races, creeds and nationalities who are at times evil-doers. It is wrong, however, to judge a people by a few individuals, and I therefore join in condemning unreservedly all wholesale denunciations and attacks.

* * *

I deem it to be my duty as an honorable man to make amends for the wrong done to the Jews as fellow men and brothers, by asking their forgiveness for the harm I have unintentionally committed, by retracting, as far as lies within my power, the offensive charges laid at their door by these publications, and by giving them the unqualified assurance that henceforth they may look to me for friendship and good will.

If you are interested in reading the complete Detroit News article see www.detnews.com/millennium and click on "complete archive" at the bottom of the page. ■

United States Attorney's History Project

United States Attorney Saul Green has embarked on a project to record the history of his office from 1815 until the present. A group in the office is currently researching historical libraries and archives for items and photographs relevant to the project. They hope to include historical descriptions of the office during different periods, significant cases, and biographies of the men and women who have worked there. Mr. Green thanks Judy Christie and the Historical Society for the assistance they have already provided.

Additional assistance on the project will be greatly appreciated. Inquiries should be directed to Mr. Green or Ross Parker in the United States Attorney's Office. ■

Eastern District History On The Web

Within the next few weeks, the Eastern District Website (www.mied.uscourts.gov) will have a section devoted to the history of the court. When you access the district home page, just "click on" the words "Historical Society." Right now there are three sections: Overview, Newsletter and Site Links. "Overview" discusses the mission and activities of the society. The "Newsletter" section contains the latest newsletter (all published newsletters will soon be on-line), and the "Site Links" section contains hyperlinks to the other court history sites.

Plans are underway to expand the site. A history of the court, and lists of Chief Judges, all Eastern District Court Judges, Bankruptcy Judges, Magistrates, Clerks, U.S. Attorneys and Marshals with their dates of service will be included initially. As soon as possible thereafter, information on these individuals (biographies, papers, decisions, etc.) will be added. Summaries of important Eastern District cases will then be included, containing briefs, opinions, transcripts and news articles.

Finally, a section on the architectural history of the court will be prepared. Photographs, sketches and written descriptions of the buildings that have housed the court, and its branches, since its inception, including the "million dollar" courtroom, will be presented.

Although our files contain a great deal about these topics, we are seeking any information, documents or photographs that members, or others, are able to add, especially anecdotal information about judges and cases, and any interesting or old photographs. If requested, copies or photographs of any submitted materials will be made, and the originals returned. If you wish to contribute please contact the Acquisitions Committee at (313) 234-5049. ■

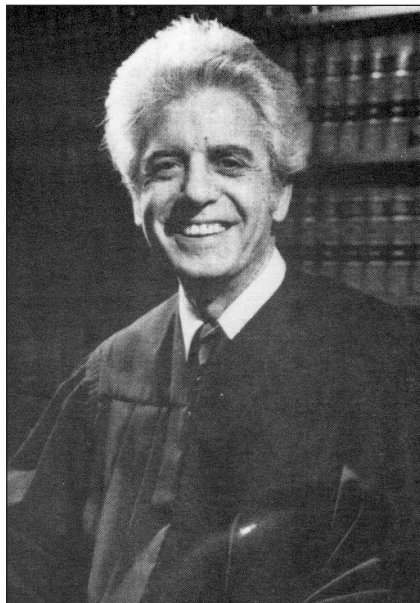
Judge Cornelia Kennedy To Speak To FBA – Historical Society Luncheon

Be sure to mark your calendar for noon, **Tuesday, November 8, 1999**. Judge Kennedy has kindly agreed to reminisce with us about her experiences on the district and circuit courts. Judge Kennedy was appointed to the Eastern District in October, 1970 and became Chief Judge in January, 1977. She left in 1979, after being appointed to the Sixth Circuit, where she now sits. Given her longstanding association with these two institutions, we know you will find her talk very interesting and worthwhile.

For tickets, please call Dennis Barnes, Program Chairperson, or Vanessa Lozzi, at **(313) 965-9725**. Tickets are \$25.00 for FBA and Historical Society members, \$27.00 for others. The event will be held at the Pontchartrain Hotel. We look forward to seeing everyone there. ■

Court Holds Memorial Ceremony For Judge Robert DeMascio

On June 7, 1999 the court held a memorial ceremony for Judge Robert E. DeMascio. Judge Zatkoff presided over this Extraordinary Session of the court at which Judge Woods, Richard Bisio (former law clerk), Judge Geraldine Ford and Frank Stella, among others, spoke. Phil Mason spoke first on behalf of the Historical Society.



Robert E. DeMascio
January 11, 1923 –
March 23, 1999

Mr. Mason has conducted ten oral histories of Eastern District Judges so far and related some of what he learned from Judge DeMascio during his several lengthy interviews.

Judge DeMascio's parents immigrated from Italy, and after Ellis Island, found their way to western Pennsylvania. It was there, near Pittsburgh, that he was born on January 11, 1923, one of eight children. At the age of thirteen, after a disastrous flood in the Pittsburgh area, he came to Detroit to live with his older brother. From the time he arrived he had to work to support himself and his family. At fifteen he became an usher at the Whittier Theater on East Jefferson, and continued to work all the way through high school and college.

During World War II he spent four years in the Navy, two of which were overseas in the Pacific. This gave him the desire to go on to college and do something with his life. The GI Bill made his enrollment at Wayne State University and law school possible.

After leaving law school in 1951, his objective was getting a job in the U.S. Attorney's office, which he did, later becoming the chief of the criminal division. Judge DeMascio said, "If I summarize my years in the U.S. Attorney's office, I'd say it gave me a love for the federal practice and a loyalty to the federal courts that have never left me."

In 1967 he was elected to the Detroit Records Court where he gained his reputation as a tough task-master. He barred bondsmen from court buildings. He did not allow pimps and panderers in the building during trials of prostitutes. He insisted that jurors and attorneys dress appropriately. He installed a buzzer so that the courtroom was quiet when the judge entered, and despite teasing from fellow judges, it was his steadfast position that finally resulted in decorum in the court.

In 1971 he was appointed to the U.S. District Court by President Nixon, where he served for the next twenty-eight years. In his oral history, he highlighted his involvement in the Detroit school desegregation case, and the City of Birmingham, Chester Campbell, Serelli, Bowers and Beckham cases, which he thought were the most important of his career.

In his last discussion with Mr. Mason, he was asked to look back and reflect on his career. He said:

It's been an enjoyable and challenging life and career. The years went by so fast that it is hard to believe. But now in my personal circumstances, I kind of need to organize my life. I really need something I can do and rely on and I don't think I would change anything.

Judge Woods spoke next and commented on their forty-six-year friendship. He talked about Judge DeMascio being a person of absolute dedication and total and lasting commitment to his wife, Margaret and his daughter, Mary, whom he loved dearly. He also spoke about the Judge's total dedication and commitment to his religious faith, to his concept of Article III, to his place and duty on the bench, and to his personal convictions, both political and philosophical. Judge Woods said, "[t]here is never a doubt where Bob ever stood on any subject matter."

Judge Woods also spoke about Judge DeMascio's membership in the Michigan Seniors and his golfing skill. He quoted from a letter of recommendation supporting the Judge's membership. It said:

As for the judge's golfing prowess, he is, on occasion, what we call sneaky long. On the other hand, he can't putt a lick. So, he promises to be a real mark for all of those hustlers in the Michigan Senior Golf Association.

Bob can't see worth a damn so it is important the board and the membership realize that a round of eighteen with his worship will be punctuated with a great many "Where did it go? Where did it go?"

Judge Woods added, "Bob would miss a two- or three-foot putt when it counted and he'd say, 'Well, every shot makes somebody happy'". Concluding, Judge Woods said:

If I were going to play eighteen last holes of my lifetime, I would have to play it with Bob because he was a wonderful, loving friend for forty-six years, and because, frankly, he was such a good sport.

Richard Bisio talked about the relationship that Judge DeMascio had with his clerks. Looking back

at his experience with the judge, he saw an "acute sense of fairness and courage, hard work and tenacity in doing what he thought was right." But what he remembered most was his concern for each one of his clerks and their personal development. Mr. Bisio said:

He cared about us. He cared about the people around him as individuals. We weren't just employees. We had lunch with the judge almost every day. We talked about many things.

Judge Ford's relationship with Judge DeMascio went back to their law school days in the graduating class of 1951. Their paths crossed again in the U.S. Attorney's office in 1963 and when they both ran at the same time for judge of the Records Court. There were eighty-three candidates in the race and only thirteen to be selected. She knew that when Judge DeMascio became chief judge of that court things were going to change. Since her colleagues on the bench knew that she knew Judge DeMascio very well, they would tell her, "He's very difficult, he's very difficult. He's fair but he's very difficult." She also talked about his unerring sense of justice and his commitment to developing the Public Defender system. She said that his groundwork in establishing this system enabled it to exist to this day in Records Court.

Another long-standing friend, Frank Stella, spoke of Judge DeMascio's commitment to helping individuals, uplifting Italian-Americans and supporting his church. He spoke of the judge's regular visits to St. Marys, as did Judge Ford, and kneeling alongside him when he prayed. Mr. Stella said, "I'm sure he prayed not for his own betterment, but for the betterment of others."

Judge Zatkoff closed the session by reading a letter from Judge Feikens. He read:

For those of us who are in their seventh or eighth decade of life, it is especially painful to lose a good friend. Life for us in these decades becomes more and more precious since we see more clearly than at a younger age the inevitability of death. Perhaps more so it is then that one grieves deeply and quietly. So it is with me as we join in memory to say again how much I miss him. ■

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